HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition Nos.7855 and 10647 of 2006

-

Dated: June 22, 2006

-

-

W.P.No.7855 of 2006

Between:

Jagarla Mudi Srinivas Rao, S/o. Tirupathaiah, age 36 years,

Occ: R.S.D.P. Operator, R/o.D.No.7/98, Pallapothu Vari Veedhi,

Bus Stand Center, Cheemakurthi Village & Mandal,

Prakasam District, A.P – 523226, and another.

… Petitioner

And

The Govt. of A.P., rep. by Secretary,

Department of Information Technology,

A.P. Secretariat, Hyderabad, and two others.

… Respondents

W.P.No.10647 of 2006

-

Between:

Smt. G. Laxmi Guruvardhani, W/o. G.V. Subba Rao,

aged 31 years, R/o. Santanutalapadu,

Near RTC Bus Stand, Prakasam District.

… Petitioner

And

The Andhra Pradesh Technology Services Ltd.,

rep. by its Managing Director, B.R.K.R. Bhavan,

Tank Bund Road, Hyderabad, and two others.

... Respondents

Common order:

Both the writ petitions involve substantially similar issues and are therefore considered together and disposed of by this common order.

2. In the year 2003, the Government of Andhra Pradesh introduced a scheme called R.S.D.P. (Rural Services Delivery Point) to facilitate delivery of various services, Government and private, to the rural areas by means of Information Technology. In the said scheme, initially, the Government released an amount of Rs.187.50 lakhs towards subsidy for upgrading Public Call Offices and S.T.D. booths into Internet-

enabled Services Delivery Points, for delivering series of value added services. In the aforesaid scheme, initially, it was decided to extent such R.S.D.Ps. in 5000 villages and the petitioners in W.P.No.10647 of 2006 were selected by the District Selection Authority to establish such centres in Cheemakurthi and Santanutalapadu villages of Prakasam District. Thereafter, the petitioners availed subsidy given by the Government to set up the centres apart from obtaining bank loans. In a further scheme, in the year 2005, the Government established Rural Kiosks with a project name “Rajiv Internet Village Programme” (Rajiv) and the main objective of this programme is to bring the government closer to the people in the rural areas and make service delivery in rural areas more efficient and transparent. In the said scheme, it was decided to establish 1,000 centres in mandal headquarters / villages in the first phase, 6,000 centres in Gram Panchayat / villages in the second phase and 22,000 centres in the third phase.

3. The case of the petitioners in W.P.No.7855 of 2006 is that though they have been running centres under the R.S.D.P. scheme, steps are being taken to sanction some more centres of this kind in the same villages, in violation of the orders issued in G.O.Ms.No.13 dated
10-01-2003 and also the letter dated 08-12-2005. It is further their case that they made representations to the respondents requesting them not to sanction new R.S.D.Ps. where such centres are already functioning. Their grievance is that if some more centres of this kind are allowed, it would cause great financial loss to them.

4. The Commissioner, EDS (E-seva) filed counter affidavit stating that the Government of Andhra Pradesh has introduced the aforesaid scheme, the objective of which is to bring speed, transparency and convenience of Information Technology into delivery of services to improve efficiency and effectiveness. It is stated that R.S.D.Ps. are also expected to create more business through their own initiative and to run the centres profitably. The aim of the project is to provide efficient services to the common man rather than to provide assured income to the R.S.D.P. operators. It is further stated that petitioners were not given any kind of assurance at any point of time that only one such centre would be allowed in each village. It is further stated that having regard to population of a village, sanction was accorded by the local administrator as per the local requirement. It is also stated that though the petitioners are running their centres in Prakasam District, one more centre is proposed in that

place as per the requirement assessed by the Joint Collector.

5. The Petitioner in W.P.No.10647 of 2006 is running an STD/PCO at Santhanutalapadu village, Prakasam Distirct. Pursuant to the R.S.D.P. scheme introduced by the Government of Andhra Pradesh, the petitioner had also applied for financial assistance for establishing one such R.S.D.P centre. It is the case of the petitioner that after receiving financial assistance, she was supplied a computer and she had made necessary arrangements for starting such centre. Her grievance is that even though the second respondent addressed letter dated 29-04-2006 to the first respondent for release of Digital Keys pursuant to the representation made by her, no action whatsoever had been taken on her request and without the said Digital Key it is impossible for her to run the R.S.D.P. centre at Santhanutalapadu village.

6. The learned Government Pleader appearing for the respondents submits that in view of the orders dated 20-04-2006 passed by this Court in W.P.No.7855 of 2006, directing status quo to be maintained, no further steps are being taken in favour of the petitioner in W.P.No.10647 of 2006.

7. Though the learned counsel for the petitioners in W.P.No.7855 of 2006 submits that the services which are now being extended are not sufficient to run the centres viably, however, in the absence of any embargo to allow another such centre in the same village, under the very same scheme, the petitioners, on this ground, cannot object opening of such new centre. It is to be seen that there is no such condition imposed in G.O.Ms.No.13, while introducing the said scheme. Even in the letter dated 08-12-2005 addressed by the Commissioner, Information Technology and Communication Department to all the District Collectors and other officials, instructions were issued not to open any new Rajiv centres wherein RSDP units are functioning, but not with reference to opening of new RSDP centres. In that view of the matter, it cannot be said that the respondents have taken steps either in contravention of the guidelines in G.O.Ms.No.13 dated 10-01-2003 or in violation of the letter dated 08-12-2005. Primarily, it appears that the aim of the said scheme is to provide efficient services to the common man rather than to provide assured income to the R.S.D.P. operators. In the absence of any restriction, the proposal to allow another R.S.D.P. centre in the villages of Cheemakurthi and Santanutalapadu, cannot be said to be either illegal or arbitrary and contrary to the orders issued by the Government in this regard, so as to grant the relief as prayed for.

8. W.P.No.7855 of 2006 is devoid of merits and is accordingly dismissed.

9. However, as no further steps are being taken for providing Digital Key to the petitioner in W.P.No.10647 of 2006 in view of the orders of *status quo* passed by this Court in W.P.No.7855 of 2006, it is open for the respondents to take steps for releasing the Digital Key in favour of the petitioner for running R.S.D.P. centre in Santanutalapadu village.

10. Subject to the above observations, W.P.No.10647 of 2006 is disposed of. No order as to costs.

_____

JUSTICE R. SUBHASH REDDY.

June 22, 2006

MRR